

Message Text

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17

ACTION IO-11

INFO OCT-01 ARA-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 ACDA-10 OIC-02 AID-05 EB-07 CIEP-02

TRSE-00 STR-04 OMB-01 CEA-01 COME-00 FTC-01 JUSE-00

/123 W

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R 111950Z MAR 76

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 9272

INFO USUN NEW YORK 719

AMEMBASSY BONN

AMEMBASSY PARIS

AMEMBASSY LONDON

UNCLAS LIMA 2365

EO 11652: N/A

TAGS: ACON, EFIN, ECOSOC

SUBJECT: UN TRANSNATIONAL COMMISSION - FRG REPRESENTATION
ISSUE

REF: BONN 03992, STATE 57037, BONN 3936, LIMA 2251

1.LETTERS BY GDR (E/C 10/L.4) USSR (E/C.10/L.5) AND
BULGARIA (E/C.10/L.6) PROTESTING THE DESIGNATION OF GUENTHER
AS HEAD OF FRG DELEGATION WERE FORMALLY CIRCULATED ON
MARCH 10. TEXT OF SOVIET LETTER TRANSMITTED BELOW:
QUOTE: LETTER DATED 4 MARCH 1976 FROM THE HEAD OF THE
DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ADDRESSED TO THE CHAIRMAN OF THE COMMISSION;

I HAVE THE HONOUR TO CALL YOUR ATTENTION TO THE FACT
THAT, IN THE PRELIMINARY LIST OF REPRESENTATIVES OF STATES
TO THE SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL
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CORPORATIONS, PROFESSOR E. GUNTHER, PRESIDENT OF THE

FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS OF THE FEDERAL REPUBLIC OF GERMANY, WHOSE HEADQUARTERS IS SITUATED IN WEST BERLIN, IS LISTED AS THE OFFICIAL REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY.

SUCH ACTION ON THE PART OF THE FEDERATED REPUBLIC OF GERMANY IS IN CLEAR CONTRADICTION OF THE FOUR-POWER AGREEMENT OF 3 SEPTEMBER 1971 ON WEST BERLIN, REPUBLIC OF GERMANY AND IS NOT GOVERNED BY IT. HENCE THE ACTION OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS IN WEST BERLIN IN ATTEMPTING TO ESTABLISH THE JURISDICTION OF THE FEDERAL REPUBLIC OF GERMANY IN WEST BERLIN CONTRADICTS THE FOUR-POWER AGREEMENT AND IS INCOMPATIBLE WITH ITS PROVISIONS.

FOR THESE REASONS, MR. CHAIRMAN, THE DELEGATION OF THE USSR CANNOT RECOGNISE THE LEGITIMACY OF THE APPOINTMENT OF PROFESSOR GUNTHER AS THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY TO THE COMMISSION.

IN CONCLUSION I SHOULD LIKE TO EXPRESS THE HOPE THAT THIS LETTER WILL BE DULY REFLECTED IN THE DOCUMENTS OF THE PRESENT SESSION.

(SIGNED V. CHTCHETININE. END QUOTE

2. IN RESPONSE, BONN GROUP REPS SUBMITTED LETTER BASED ON TEXT TRANSMITTED REFTEL C WHICH OFFICIALLY CIRCULATED AS E/C.10/L.7. ORIGINAL TEXT IN FRENCH. ENGLISH VERSION TRANSMITTED BELOW:

QUOTE: LETTER DATED 10 MARCH 1976 FROM THE HEADS OF THE DELEGATIONS OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES ADDRESSED TO THE CHAIRMAN OF THE COMMISSION:

WE HAVE THE HONOUR TO REFER TO THE LETTER ADDRESSED TO YOU BE THE REPRESENTATIVE OF THE SOVIET UNION AT THE SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL CORPORATIONS ON 4 MARCH 1976 CONCERNING THE REPRESENTATION
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OF THE FEDERAL REPUBLIC OF GERMANY AT THIS SESSION.

THE AUTHORITIES OF THE THREE POWERS CONFIRM THE TERMS OF THE LETTER WHICH THEY ADDRESSED ON THAT SUBJECT ON 27 JUNE 1975 TO THE SECRETARY-GENERAL (A/10127) AND WISH IN PARTICULAR TO RECALL THE FOLLOWING PASSAGES THEREFROM.

THE ASSERTION BY THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS THAT THE APPOINTMENT OF DR. EBERHARD GUENTHER AS THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY TO THE SECOND SESSION OF THE UNITED NATIONS COMMISSION ON TRANSNATIONAL CORPORATIONS IS IN CONTRADICTION OF THE FOUR-POWER AGREEMENT OF 3 SEPTEMBER 1971 IS WITHOUT ANY FOUNDATION. THAT AGREEMENT, WHICH WAS SIGNED AT BERLIN BY THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, CONTAINS NO PROVISION THAT WOULD SUPPORT ANY SUCH ASSERTION.

THE ESTABLISHMENT OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS IN THE WESTERN SECTORS OF BERLIN WAS APPROVED IN 1957 BY THE UNITED KINGDOM, FRENCH AND UNITED STATES AUTHORITIES EXERCISING THEIR SOVERIGN AUTHORITY. THOSE AUTHORITIES HAVE SATISFIED THEMSELVES THAT THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS DOES NOT EXERCISE IN THE WESTERN SECTORS OF BERLIN ANY DIRECT GOVERNMENTAL JURISDICTION OVER THE WESTERN SECTORS OF BERLIN. CONSEQUENTLY, NEITHER THE PRESENCE NOR THE ACTIVITIES OF THAT OFFICE IN THE WESTERN SECTORS OF BERLIN CONFLICT WITH ANY PROVISION OF THE FOUR-POWER AGREEMENT.

THE ABOVE-MENTIONED LETTER FROM THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONTAINS AN INCOMPLETE AND THEREFORE MISLEADING REFERENCE TO THE FOUR-POWER AGREEMENT. THE RELEVANT PROVISION OF THE AGREEMENT TO WHICH THE SOVIET REPRESENTATIVE INTENDED TO REFER STIPULATES THAT THE LINKS BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY

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SHALL BE MAINTAINED AND DEVELOPED, BEARING IN MIND THAT THESE SECTORS ARE STILL NOT AN INTEGRAL PART OF THE FEDERAL REPUBLIC OF GERMANY AND ARE STILL NOT GOVERNED BY IT.

WITH REGARD TO THE OTHER COMMUNICATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMISSION ON THIS MATTER, WE WISH TO POINT OUT THAT STATES WHICH ARE NOT PARTIES TO THE FOUR-POWER AGREEMENT ARE NOT COMPETENT TO INTERPRET ITS PROVISIONS.

WE SHOULD BE GRATEFUL IF YOU WOULD INCLUDE THIS LETTER AMONG THE OFFICIAL DOCUMENTS OF THE SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL CORPORATIONS.
(SIGNED) A. MUELLER (SIGNED) S.J. RUBIN (SIGNED) M. ROUGE

END QUOTE.

3. FRG REP WILL SUBMIT LETTER ALONG LINES OF A/10130 OF
JULY 2, 1975. WILL TRANSMIT TEXT WHEN AVAILABLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, COMMITTEE MEETINGS, MULTINATIONAL CORPORATIONS, MEETING DELEGATIONS, DIPLOMATIC COMMUNICATIONS, OPPOSITION TO ADMISSION
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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Review Content Flags:
Review Date: 24 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUN 2004 by chengls>; APPROVED <14 SEP 2004 by wolfsd>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
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Subject: UN TRANSNATIONAL COMMISSION - FRG REPRESENTATION ISSUE
TAGS: ACOM, EFIN, OCON, GE, UR, FR, ECOSOC, TNC, (GUENTHER, EBERHARD)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006